

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

BEDFORD E. NICHOLS,

Plaintiff,

v.

Civil Action No. 2:17-cv-04199

USDA - RD,

Defendant.

MEMORANDUM OPINION AND ORDER

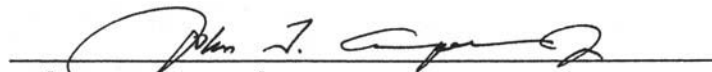
This action was previously referred to United States Magistrate Judge Dwane L. Tinsley who, on November 25, 2019, submitted his Proposed Findings and Recommendation ("PF&R") pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). Therein, the magistrate judge recommended the dismissing of plaintiff's complaint for failure to state a claim upon which relief may be granted.

On December 6, 2019, the plaintiff filed a document titled "Motion not to Dismiss," which the court interprets as an objection to the magistrate judge's PF&R. The objection, which is a mere eleven typed lines in length, undertakes to restate the claim in the complaint and does not address the fundamental deficiencies in the complaint identified by the magistrate judge. The objection is thus not meritorious.

Following a de novo review, and having concluded that the objection lacks merit, it is ORDERED that the PF&R be, and it hereby is, adopted and incorporated herein. It is further ORDERED that this action be, and it hereby is, dismissed for failure to state a claim upon which relief may be granted.

The Clerk is directed to forward copies of this written opinion and order to the plaintiff, all counsel of record, and the United States Magistrate Judge.

ENTER: December 27, 2019


John T. Copenhaver, Jr.
Senior United States District Judge